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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/664,820
Filing Date: September 17, 2003
Appellant(s): LOPEZ ET AL.

MAILED

DEC 1 3 2007

GROUP 3600

Steven D. Lawrenz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/06/2007 appealing from the Office action

mailed 03/08/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,411,960   Fisher   6-2002

6415264   Walker et al.   7-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 6, 8, 9, 62, 65, 66 and 68-71 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Fisher (US 6,411,960) in view of Walker et al.

(hereinafter Walker) (US 6,415,264).

Claim 1. Fisher teaches a method of generating an information page in a

computer system comprising:

providing an item classification/attribute mapping data structure that maps item

classifications to attributes, each item classification mapping to a set of

attributes specific to that item classification (col. 4, lines 55-67; col. 5, lines 1-15),

receiving a selection of an item classification (col. 9, lines 56-57);

identifying the set of attributes specific to the selected item classification by retrieving the set of attributes from the item classification/attribute mapping data structure col. 11, lines 1-8),

providing a display of an indication of the identified attributes (col. 11,lines 1-8),

However Fisher does not teach:

receiving an input value for at least one attribute within the set of identified attributes from the user's computer system;

retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes,

analyzing the retrieved records to generate transaction price data for the item; and

sending to the _user's_ (sellers) computer system the generated transaction price data as a suggested bid price in an auction.

Walker teaches a computer-implemented method for determining a price for the posted items based on the information about previously sold items (col. 8, lines 5-7), further including:

retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes (col. 7, lines 1-19), and

analyzing the retrieved records to generate transaction price data for the item

(col. 7, lines 16-19); and

sending to the user's computer system the generated transaction price data as a

suggested bid price in an auction (col. 8, line 52).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Fisher to include retrieving records of transactions for

items that are classified within the selected item classification and that match the

received input value of the one or more identified attributes; analyzing the retrieved

records to generate transaction price data for the item; and sending to the user's

computer system the generated transaction price data as a suggested bid price in an

auction, as disclosed in Walker, because it would encourage a seller to post an item for

sale, especially at a reasonable price, so the posting site and the seller both benefit

from a reasonable price (col. 2, lines 27-29; col. 8, lines 14-17).

Claim 3. Walker teaches said method wherein the records of transactions

include records for both fixed-price sale and auction transactions (col. 10, lines 2-3).

Claim 6. Fisher teaches said method wherein the receiving of the selection of

an item classification includes browsing through a browse category organization (col. 4,

lines 6-10).

Claim 8. Fisher teaches said method wherein the receiving of the selection of

an item classification includes browsing through an item classification organization (col.

4, lines 6-10).

Claim 9. Fisher appears to teach said method wherein the selected item classification is not a leaf classification of an item classification hierarchy.

Claim 62. Fisher teaches a method of generating an information page in a computer system comprising:

providing an item classification/attribute mapping data structure that maps item classifications to attributes, each item classification mapping to a set of attributes specific to that item classification (col. 4, lines 55-67; col. 5, lines 1-15),

receiving from a user's computer system a selection of an item classification based on a mapping of the selected item classification to an identified attribute associated with the selected item classification, providing to the user's computer system an indication of the identified attribute (col. 9, lines 56-57), col. 10, lines 19-24;

Fisher does not teach specifically teach that the identified attribute is a condition attribute.

Walker teaches a method for determining a posting payment wherein an attributes is a condition attribute (col. 3, lines 59).

Fisher also does not teach:

receiving from the user's computer system a specification of an identified attribute value associated with the item;

retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value, and

analyzing the retrieved records to generate transaction price data for the item; and

sending to the user's (sellers) computer system the generated transaction price data as a suggested bid price in an auction.

Walker teaches a computer-implemented method for determining a price for the posted items based on the information about previously sold items (col. 8, lines 5-7), further including:

retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes (col. 7, lines 1-19), and

analyzing the retrieved records to generate transaction price data for the item (col. 7, lines 16-19); and

sending to the user's computer system the generated transaction price data as a suggested bid price in an auction (col. 8, line 52).

It would have been obvious to one or ordinary skill in the art at the time the invention was made to modify Fisher to include retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value; analyzing the retrieved records to generate transaction price data for the item; and sending to the user's computer system the generated transaction price data as a suggested bid price in an auction, as disclosed in Walker, because it would encourage a seller to post an item for sale, especially at a reasonable price, so the posting site and the seller both benefit from a reasonable price (col. 2, lines 27-29).

Claim 65. Walker teaches said method wherein the item is not new (col. 3, lines 49-50).

Claim 66. Walker teaches said method wherein the item is used (col. 3, lines 49-50).

Claim 68. All of the limitations in claim 68 are closely parallel to the limitations of claim 62, analyzed above and are rejected on the same basis.

Claim 69. Walker teaches said method wherein the specified condition value is excellent (col. 7, lines 34).

Claim 70. Walker teaches said method wherein the specified condition value is fair (col. 7, lines 34).

Claim 71. The method of claim 68 wherein the specified condition value is good (col. 7, lines 34).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Mori et al. (hereinafter Mori) (US, 6,044,363).

Claim 4. The combination of Fisher and Walker teaches all the limitations of claim 4 except one of the attributes within the set of attributes relates to duration of a transaction.

Mori teaches a method for automatic auction wherein the product attribute includes the time limit for auction and scheduled auction end time (col. 5, lines 66-67; col. 6, lines 1-6).

It would have obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher and Walker to include one of the attributes within the set of attributes relates to duration of a transaction, as disclosed in Mori, because auction timing can be important to the seller's strategy when a seller wants to auction items before an end of a seasonal quarter (e.g. summer clothes), or before a holiday (e.g., Halloween costumes).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Ching (US 6,078,901).

Claim 5. The combination of Fisher and Walker teaches all the limitations of claim 5 including receiving a specification of attributes, except that said received attributes are to be served as x and y coordinates for a graph of the transaction price data.

Ching teaches a method for modeling prices in supply and demand environment wherein the obtained data is presented in a graph format (Figs. 5, 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher, Walker and Ching to that said received data (attributes) are presented in graph format, as disclosed in Ching, because it would advantageously simplify the understanding of said received data.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Boesjes (US 6,799,165).

Claim 7. The combination of Fisher and Walker teaches all the limitations of claim 7 except said method wherein the receiving of the selection of an item classification includes receiving a specification of keywords and identifying an item classification that matches the specified keywords.

Boesjes teaches a method for inventory, sale, and delivery of goods wherein the shopper may select a product category and enter keywords and other search parameters (col. 8, lines 51-52).

The motivation to combine Fisher, Walker and Boesjes would be to simplify a search for required data.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Odom et al. (hereinafter Odom) (US 6,393,426).

Claim 10. The combination of Fisher and Walker teaches all the limitations of claim 10 except the selected item classification is within a non-hierarchical item classification organization.

Odom teaches a method for modeling, storing and transferring data wherein data items are organized in a non-hierarchical form (col. 6, lines 1-26).

It would have obvious to one or ordinary skill in the art at the time the invention was made to modify Fisher and Walker to include the selected item classification is within a non-hierarchical item classification organization, as disclosed in Odom, because in a non-hierarchical organization all data coexist in parallel together, at once completely distinguishable and separately accessible, yet at the same time totally aware of and sequentially relatable to all other data items to which they are related (col. 6, lines 33-37).

(10) Response to Argument

In response to Applicant's argument that the prior art does not disclose *sending to the user's computer system the generated transaction price data as a suggested bid price in an auction*, it is noted that the prior art does teach said feature. Specifically, Walker teaches "... *the information about other posts in that class previously sold can be used to determine the value of the item*" (col. 8, lines 5-7); and "*An expected selling price (or expected final bid amount in the case of an auction) is determined at 912, such as by examining past sales for similar items and adjusting for the condition of the item...*" (col. 10, lines 2-6).

In response to Applicant's argument that the prior art does not disclose *sending to the seller's computer system the generated transaction price data as a suggested price for an item offered for sale in a fixed price transaction,* it is noted that Walker

explicitly teach said feature. Walker teaches "...*the value of the item to be posted can be estimated based on sales during the past year for the item, the last fifteen similar items sold, or a trend analysis for sales of similar items*", col. 7, lines 16-19).

Applicant argues that *all of the limitations in claim 68 are not closely parallel to the limitations of claim 62*, because claim 68 recites "sending transaction price data to a seller's computer system, while claim 62 recites sending transaction price data to a user's (i.e., buyer's) computer system. In response to that argument, Examiner gave the term "user" it's broadest reasonable interpretation. Without explicitly reciting a term "buyer", the recited term "user" was interpreted as "seller".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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M. A.

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